

0003

Susan—

Here is information about the landfill at Vernal Phosphate, including the approved permit application and a draft of the approval from DEQ. (John Spencer didn't have the final document, but he said there are only some minor verbiage changes from the draft to the final.)

Note that there are detailed bonding calculations. They are not escalated, but the figure is substantially higher than ours (\$92,947 vs. \$34,592 when you add the contingency and escalation). DEQ's calculation includes three years of post-closure maintenance, and the permit application references DOGM's requirement to wait three years for revegetation success.

I want to accept this, but the problem is that DEQ could release the bond without our approval.

Is there some way we can get around this? Rather than an MOU, can we just write a letter to the director of Solid and Hazardous Waste and see if they'll agree to not release the bond without our approval?

Paul

0003

RECEIVED

DEC 07 2004

Div. of Oil, Gas & Mining

# **SIMPLOT PHOSPHATES LLC**

## **APPLICATION FOR A PERMIT TO OPERATE A CLASS IIIb LANDFILL**

June 30, 2006

Prepared by and for:

Simplot Phosphates LLC  
9401 North Highway 191  
Vernal, Utah 84078

Submitted to:

Dennis R. Downs  
Division of Solid and Hazardous Waste  
Utah Department of Environmental Quality  
PO Box 144880  
Salt Lake City, Utah 84114-4880

**SIMPLOT PHOSPHATES LLC  
APPLICATION FOR A PERMIT TO OPERATE  
A CLASS IIIb LANDFILL**

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	Map C - Dump Closure Map
	Map D - Post Dump Cross-section A-A'
	Map E - Post Dump Cross-section B-B'
<b>Appendix B</b>	<b>Property Ownership Documents</b>
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<b>Appendix C</b>	<b>Forms</b>
	Waste Volume Record Form
	Quarterly Landfill Inspection Form

**UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY**

**DIVISION OF SOLID AND HAZARDOUS WASTE**

**APPLICATION FOR A PERMIT TO OPERATE A CLASS IIIb LANDFILL**

**Submitted To:**

Dennis R. Downs, Director  
Division of Solid and Hazardous Waste  
Utah Department of Environmental Quality  
PO Box 144880  
Salt Lake City, Utah 94114-4880

**PART I – GENERAL INFORMATION**

General Information

1. Name of Facility: Simplot Phosphates LLC
2. Site Location: 9401 North Highway 191 Vernal, Utah
3. Facility Owner: Simplot Phosphates LLC
4. Facility Operator: Simplot Phosphates LLC
5. Contact Person: John Spencer

Address: 9401 North Highway 191  
Vernal, Utah 84078  
Phone: (435) 781-3348  
Fax: (435) 781-3332  
Email: [john.spencer@simplot.com](mailto:john.spencer@simplot.com)

6. Type of Application:

Class IIIb Landfill

7. Property Ownership:

The property is presently owned by applicant.

8. Certification of submitted information

\_\_\_\_\_  
(Name of Official)

\_\_\_\_\_  
(Title)

I certify under the penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

SUBSCRIBED AND SWORN to before This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

My commission expires on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public in and for

(SEAL) \_\_\_\_\_ County, Utah.

## **PART II – GENERAL REPORT**

### General Facility Description

Simplot Phosphates LLC (Simplot) owns and operates a surface phosphate mine and beneficiation facility located 10 miles north of Vernal in Uintah County Utah. As part of this industrial operation, Simplot has an on-site landfill facility that receives only non-hazardous solid wastes that are generated on-site. The landfill is constructed next to a highwall created from prior mining activities in the area. Fill material from an adjacent borrow area is used to cover the wastes deposited beside this highwall area. Map A *Site Map* and Map B *Dump Location and Contours Map* located in Appendix A show the general location and the pre-landfill conditions.

### Legal Description and Proof of Ownership

The landfill facility is located on Simplot property. A copy of the mine property deed is shown in Appendix B as proof of ownership. Also shown in Appendix B are the legal documents effecting the change in company name from SF Phosphates Limited Company to Simplot Phosphates LLC. The specific location of the landfill is the Specimen mine claim, which would otherwise be in the northwest corner of Section 31, Township 2 South, Range 22 East of the SLM Meridian.

### Types of waste and area served by the facility

The landfill operated by Simplot receives only non-hazardous, solid, industrial wastes generated on site. This waste is generated primarily in mine and mill maintenance shops and in a product concentration plant. Office wastes and shipping material are other typical wastes generated. No cafeteria or other meal supply facility exists on site so food wastes are negligible. The landfill serves the mill and mine areas of the Simplot facility.

### Non-commercial Landfill Demonstration

The Simplot landfill is located well within Simplot property. The property is fenced and the only access is through a manned security gate. The landfill is accessible only to and used by Simplot employees for disposal of wastes generated on site.

## **Plan of Operations**

### Intended Schedule of Construction

Because the Simplot landfill is located in a void next to an existing highwall, no excavation for landfill construction is required. Monthly covering of the landfill will be the only construction activity in the landfill area.

Simplot is researching the feasibility of several options. It appears it may be economical at this time to temporarily close the landfill and reserve it for future use, by utilizing a 3<sup>rd</sup> party contractor to haul our waste to a county approved landfill. If the landfill is

temporarily closed the industrial waste will be covered with at least 5 feet of material and reclaimed as much as possible until it is opened again.

### Waste Handling Procedures

Wastes are primarily generated in various shops, warehouse, offices and plant buildings around the site. Dumpsters are distributed around the beneficiation plant for intermediate collection. A single, truck mounted dumpster is used for intermediate collection at the mine shop. Dumpsters are then individually hauled to the landfill for waste disposal. Beneficiation plant dumpsters are hauled via forklift. All dumpsters are equipped with screened lids for containment during collection and transport.

Wastes that are placed into the landfill are introduced there by 1) dumping over a protective berm at the top of the fill onto the slope face, 2) dumping onto the top of the landfill next to the berm where it can be pushed onto the slope face, or 3) dumping onto the base of the slope from the bottom of the landfill. Empty drums are placed at the base of the landfill so they can be crushed prior to coverage. The volumes of all waste storage/transport containers emptied into the landfill have been measured and are used to calculate volumes deposited. These volumes will be recorded in a logbook located in a protective box at the landfill entrance. An example of a logbook form is shown in Appendix C.

When coverage takes place, fill from a borrow area adjacent to the landfill is hauled to the top of the landfill. This fill is pushed over the landfill edge to cover the landfill slope and accumulated wastes. The newly placed fill material is then compacted from the top for stabilization. Coverage of accumulated wastes is performed on a monthly basis.

Should Simplot find it feasible to contract out the disposal of waste it will be with a reputable company that will provide 30 cubic yard containers that can be covered and hauled to appropriately off-site permitted facilities.

### Inspection and Monitoring Schedules

A detailed inspection of the landfill will be conducted each calendar quarter by environmental personnel. The forms used to record the results of these inspections are shown in Appendix C. Other Simplot personnel inspect the landfill routinely as part of typical plant maintenance and operations.

### Contingency Plans in the Event of Fire or Explosion

In the event of a fire or explosion, one of the company owned 8,000-gallon water trucks would be dispatched to the landfill. A spooled hose and fire nozzle is attached to the truck. The pumping capacity of this truck is sufficient to deliver a large quantity of water to any area of the landfill from a safe distance.

### Corrective Action Plan if Groundwater is Contaminated



Groundwater monitoring is not required for Class IIb landfills (R315-304-5 (4) (c)).

In the event ground water contamination is suspected, a hydrogeologic investigation including monitor well installation and monitoring will be performed to determine the nature and extent of the contamination as well as a remedy. The Division of Solid and Hazardous Wastes will be informed and involved in this evaluation.

#### Contingency Plan for Failure of Run-off Collection System

In the event of failure of the run-off collection system devised for the landfill, mine equipment will be used to reconstruct and/or repair the detention pond and berm (dike) as well as any diversion structures necessary. Low permeability material and/or liners can be used if necessary.

#### Contingency Plan for Other Releases

The site and usage characteristics of this landfill preclude releases of explosive gases and other components. Very little organic material is placed in the landfill and hazardous components of any sort are not permitted such that the potential to generate gases is negligible.

#### Fugitive Dust Control Plan

Fugitive dust is controlled through water application to the landfill area and associated areas as needed during normal operations, while covering the waste, and any other maintenance operation activities. A speed limit restriction of 35 mph is also imposed for vehicles using the road leading to and through the landfill area. Fugitive dust is regulated for the entire mine site through the Utah Division of Air Quality Title V Operating Permit.

#### Maintenance of Installed Equipment

The Simplot landfill site contains no installed equipment. Equipment used in the operation or maintenance of the landfill is that used in mining operations. This equipment is maintained as a part of normal operations of the mine facility.

#### Procedures for Excluding Receipt of Hazardous or PCB Waste

The landfill operated by Simplot is used only by Simplot employees. Simplot employees receive training in the types of wastes permitted in the landfill. This training stresses the importance of excluding hazardous and PCB wastes from the landfill facility. Waste disposal procedures have been established that prevent these types of wastes from entering the landfill and include:

- No free liquids of any sort are permitted for disposal in the landfill.

- Oil filters must be gravity hot drained, punctured, and drained at least 12 hours at room temperature or crushed before disposal in the landfill.
- Oil or grease soaked rags are not permitted for disposal in the landfill and have separate collection receptacles. These are disposed in a permitted incinerator.
- No unpunctured aerosol cans are permitted in the landfill.
- No hazardous wastes of any type are permitted in the landfill.
- A program is in place to assure proper disposal of PCB waste. All transformers have been tested for PCB content and those with PCB content greater than 25 ppm have been removed to an off-site, licensed PCB recycling facility. All transformers, ballasts, or capacitors that may contain PCBs are collected for similar off-site disposal.

Quarterly landfill inspections also confirm that no hazardous waste is placed in the landfill and that the above procedures are being practiced.

#### Procedures for Controlling Disease Vectors

The main disease vector potential at the Simplot facility is from small rodents. Three procedures may be used to control this vector potential: 1) elimination of rodents through the use of a small caliber firearm, 2) removal of rodents through the use of live traps, and 3) use of gas canister pesticides. The risks posed by disease vectors are low due to the remote location of the landfill facility and the non-organic nature of wastes.

#### Alternative Waste Handling Plan

In the event that a period occurs in which the landfill facility is not able to dispose of solid waste, solid waste removal and disposal will be contracted to an outside firm. The contracted firm selected will be licensed to perform such work and documentation will be obtained verifying the placement of the waste in a facility permitted for the waste type.

#### Training and Safety Plan

Operators of equipment used in the operation of the landfill facility are trained specifically in each piece of equipment as required by Mine Safety and Health Administration regulations. All Simplot employees receive safety training as part of annual training required by MSHA including aspects pertaining to landfill operations.

## PART III – TECHNICAL REPORT

### Maps

The following maps and drawings are found in Appendix A:

- Map A** - Site Map
- Map B** - Dump Location Map
- Map C** - Dump Closure Map
- Map D** - Post Dump Cross-section A-A'
- Map E** - Post Dump Cross-section B-B'

### Engineering Report – Plans Specifications, and Calculations

The landfill layout is depicted in Map B - *Dump Location Map* (Appendix A). The cross-sections A-A' and B-B' shown in Appendix A Maps D and E show the filled landfill configurations.

The landfill is situated against an east-west trending highwall remaining from previous mining operations. The near vertical highwall results in a vacancy approximately 30ft high and open on the east and north sides. Waste material is dumped over the berm on the top and east edge of previous fill. Monthly coverage fill is also placed over this edge and to the north such that the landfill migrates eastward as alternate layers of waste and imported fill. When coverage takes place, fill from a borrow area adjacent to the landfill is hauled to the top of the landfill. This fill is pushed over the landfill edge to cover the landfill slope and accumulated wastes. The newly placed fill material is then compacted from the top for stabilization. Coverage of accumulated wastes is performed on a monthly basis. Fill material is moved from adjacent overburden dumps and is typically placed using the mine's 13 cubic yard front-end-loader. Waste material may also be placed immediately to the east of the active landfill at the toe of the dump. Empty barrels may also be inverted and placed in this area. Prior to monthly coverage the loader is used to crush barrels and push all this waste into the dump slope allowing complete waste coverage. Fill distribution on and over the top of the landfill dump results in a four to five foot layer of soil on the top. This surface will be ripped, graded and reclaimed to form the final cover. See map E - *Dump Cross-section B-B'* (Appendix A). The final cover elevation is estimated at approximately 6,175 feet.

A combination of natural watershed divides and diversion structures limit precipitation run-on. Run-on is diverted from the north and northwest to bypass the landfill and flow to the east. A natural topographic break exists on the west side of the pond which limits run-on from this direction. The southern edge of the landfill exists as a naturally vegetated slope along the ridge, which occupies little surface area to accumulate

precipitation. The entire surface area contributing run-on to the landfill is approximately 21,183 square yards (see Map C - *Dump Closure Map* in Appendix A).

## **CLOSURE PLAN**

### Closure Schedule

Closure of the Simplot landfill facility will commence after the landfill is full. The estimated time to closure with active use is approximately 7.5 years. Closure procedures will begin within 30 days after covering the final volume of waste.

### Design of Final Cover

When the operational life of the landfill facility has ended, final cover will be accomplished using fill from the adjacent borrow area. This final cover plus topsoil will be at least two feet deep and will be graded to match the surrounding topography (see Map D - *Cross-sections A-A'* and Map E - *Cross-sections B-B'* in Appendix A). Seeding with species adapted to the environmental conditions will then be used to revegetate the area.

### Capacity of Site

The volume of the Simplot landfill site is was originally 129,782 yd<sup>3</sup>. It is estimated that 20 percent of this volume (25,956 yd<sup>3</sup>) will be comprised of waste with the remaining 80 percent as fill material (103,826 yd<sup>3</sup>). The current fill strip is being filled at a rate of 172 yd<sup>3</sup> per month and has 15,008 yd<sup>3</sup> remaining space. At the current rate of fill, the fill strip has a remaining life of approximately 7.5 years.

### Final Inspection by Regulatory Agencies

Upon closure of the Simplot landfill, a final inspection by both the Division of Solid and Hazardous Waste and the Division of Oil, Gas, and Mining (DOGM) will take place to approve the final cover and release the site for closure. These inspections will examine soil and slope stability, drainage, and vegetation success.

## **POST-CLOSURE PLAN**

### Site Monitoring

Post-closure monitoring of the landfill site will be conducted periodically for several years following closure. The site will be monitored to insure slope and erosional stability. Run-on/run-off structures will also be inspected to insure proper functioning and stability, these structures will be incorporated in the storm water pollution prevention

plan as they are built. As a part of the Storm water pollution prevention plan they will be inspected at least quarterly.

As required by DOGM regulations regarding reclamation, inspection of vegetative success will be performed at least 3 years following reclamation. After the third year, the success of the revegetation will be determined and Simplot can formally request release if the vegetation meets the established reclamation criterion and is deemed successful.

#### Changes to Record of Title, Land Use, and Zoning Restrictions

The title to the property on which the Simplot landfill sits is held by Simplot Phosphates LLC. It is estimated that the Simplot property contains 100 years of minable reserves. Therefore, operations at Simplot's mining facility are projected well into the future and no near changes to title, land use, or zoning is expected.

#### Maintenance to Maintain Cover and Run-on/Run-off Control Systems

Periodic inspections of the landfill site will be made to monitor site stability and revegetation progress. If upon inspection, any of the water bars or retention pools show signs of damage or failure, equipment will immediately be brought in to repair or rebuild the structures as needed. In addition, if inspection reveals areas where vegetation has not established, these areas will be reseeded and/or mulched to assure plant growth.

#### Post-Closure Contact Information

The following individual should be contacted about the landfill facility during the post-closure care period:

John Spencer  
Environmental / Senior Mine Engineer  
Simplot Phosphates LLC  
9401 North Highway 191  
Vernal, Utah 84078  
Tel. (435) 781-3348  
Fax. (435) 781-3332  
[John.spencer@simplot.com](mailto:John.spencer@simplot.com)

### **FINANCIAL ASSURANCE**

#### Closure Costs and Calculations

Closure cost for the Simplot landfill would include construction of run-on/run-off structures, final grading, ripping of cover surface for seeding. Landfill closure costs are very similar to the costs incurred in many other reclamation efforts on the mine facility.

Based on estimated costs from 3<sup>rd</sup> parties (RS Means), landfill closure costs are estimated as follows:

														2004 RSMeans							
			Hours			Base			Travel		Base Rate		Average		2006						
Task Description	Equipment	Units	Units	Factor <sup>1</sup>	Hours	Rate (\$)	Rate (\$)	(\$/hr)	Crew	Inflation	\$	\$/hr	Total \$	Notes							
Mobilization	Dozer D8R	Equip				292.0	1,022.00			0.025	1,073.1		\$1,073	Dozer D8R							
Mobilization	Dozer D4 or Tractor	Equip				204.0	714.00			0.025	749.7		\$750	Dozer D4 or Tractor							
Mobilization	Scraper 637E	Equip				350.0	1,225.00			0.025	1,286.3		\$1,286	Scraper 637E							
Project Manager					30.0			60.00		0.025		63.0	\$1,890								
Contouring	D8R	C.Y.	18,150	0.011	199.7			148.04	B-10M	0.025		155.4	\$31,034	120 ft push, 1.5 ft depth							
Topsoil spreading	637E	C.Y.	6,050	0.012	72.6			249.86	B-33E	0.025		262.4	\$19,047	1,500 ft haul, 0.5 ft depth							
Seeding	Dozer D4 or Tractor	MSF	327	0.154	50.3			71.56	B-66	0.025		75.1	\$3,780	Dozer D4 or Tractor							
Seed Mix		Acres	7.5							0.025	1,528.1		\$1,528								
De-Mobilization	Dozer D8R	Equip				292.0	1,022.00			0.025	1,073.1		\$1,073	Dozer D8R							
De-Mobilization	Dozer D4 or Tractor	Equip				204.0	714.00			0.025	749.7		\$750	Dozer D4 or Tractor							
De-Mobilization	Scraper 637E	Equip				350.0	1,225.00			0.025	1,286.3		\$1,286	Scraper 637E							
DSHW Inspections		Per Yr	2			250.0					15,000.0		\$15,000	30- yr post closure period							
Maintenance post closure		each	3			2,000.0					6,000.0		\$6,000	3 times during post closure							
Contingency (Administrative & Engineering %			10										\$8,450								
Total													\$92,947								

This approximates to \$12,400 per acre. There are a total of 7.5 total final cover acres x \$12,400 per acre = \$93,000 total closure cost

#### Post-Closure Costs and Calculations

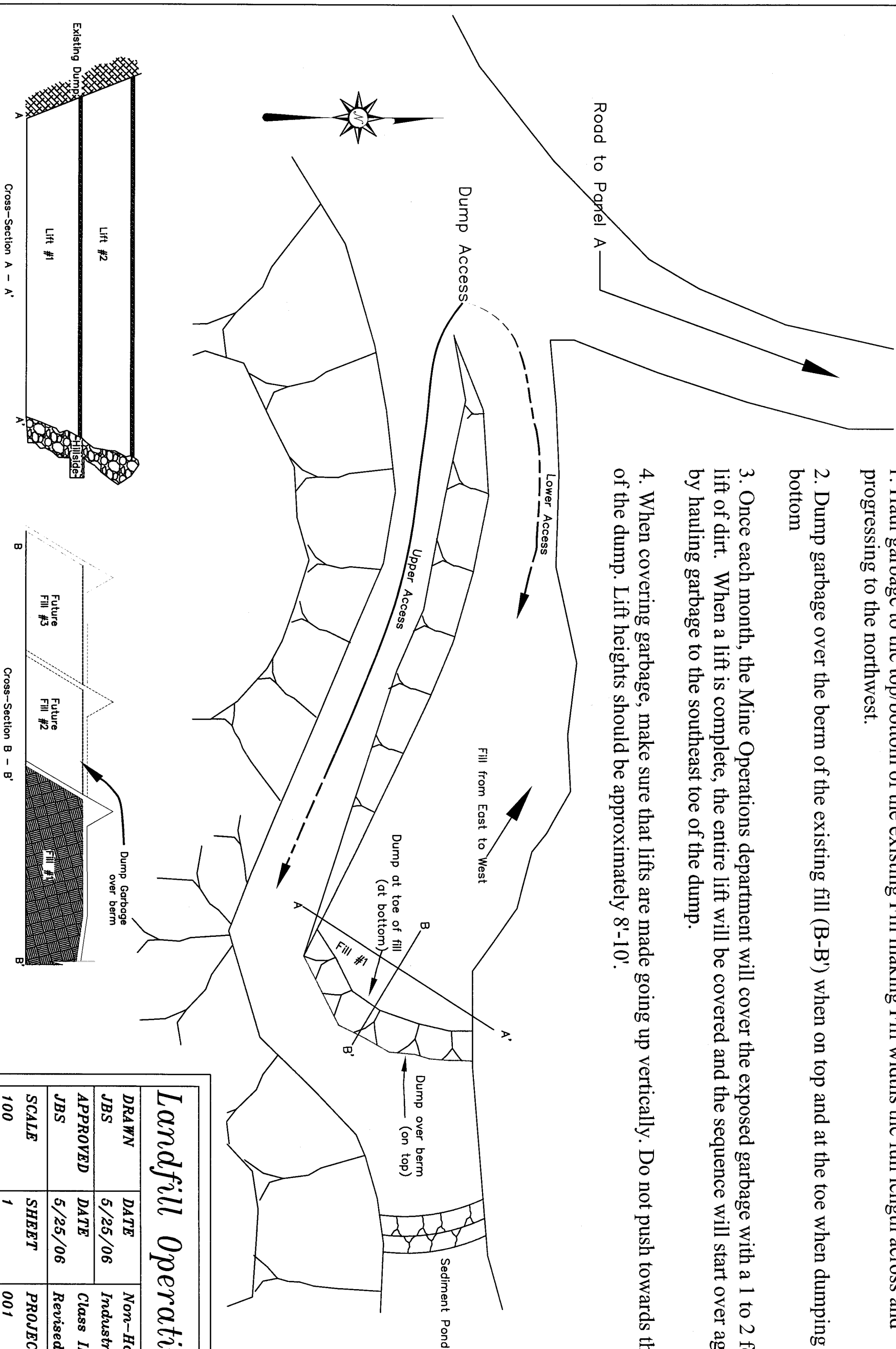
Inspection costs are the only expected post-closure cost. Other post closure cost may include possible minor repair of run-on/run-off structures and reseedling of any areas where initial seeding resulted in poor revegetative success. Cost of these types of repair activities would be extremely low.

#### Financial Assurance Mechanism and Effective Date

A Surety bond for \$92,947 issued through Liberty Mutual Insurance is in place and payable to a standby trust that is callable by the executive secretary for DSHW. Simplot proposes that this surety bond and standby trust cover the financial assurance required under R315-309. This bond amount is based on a mutually agreed upon calculation that covers any closure or post-closure cost for the landfill facility.



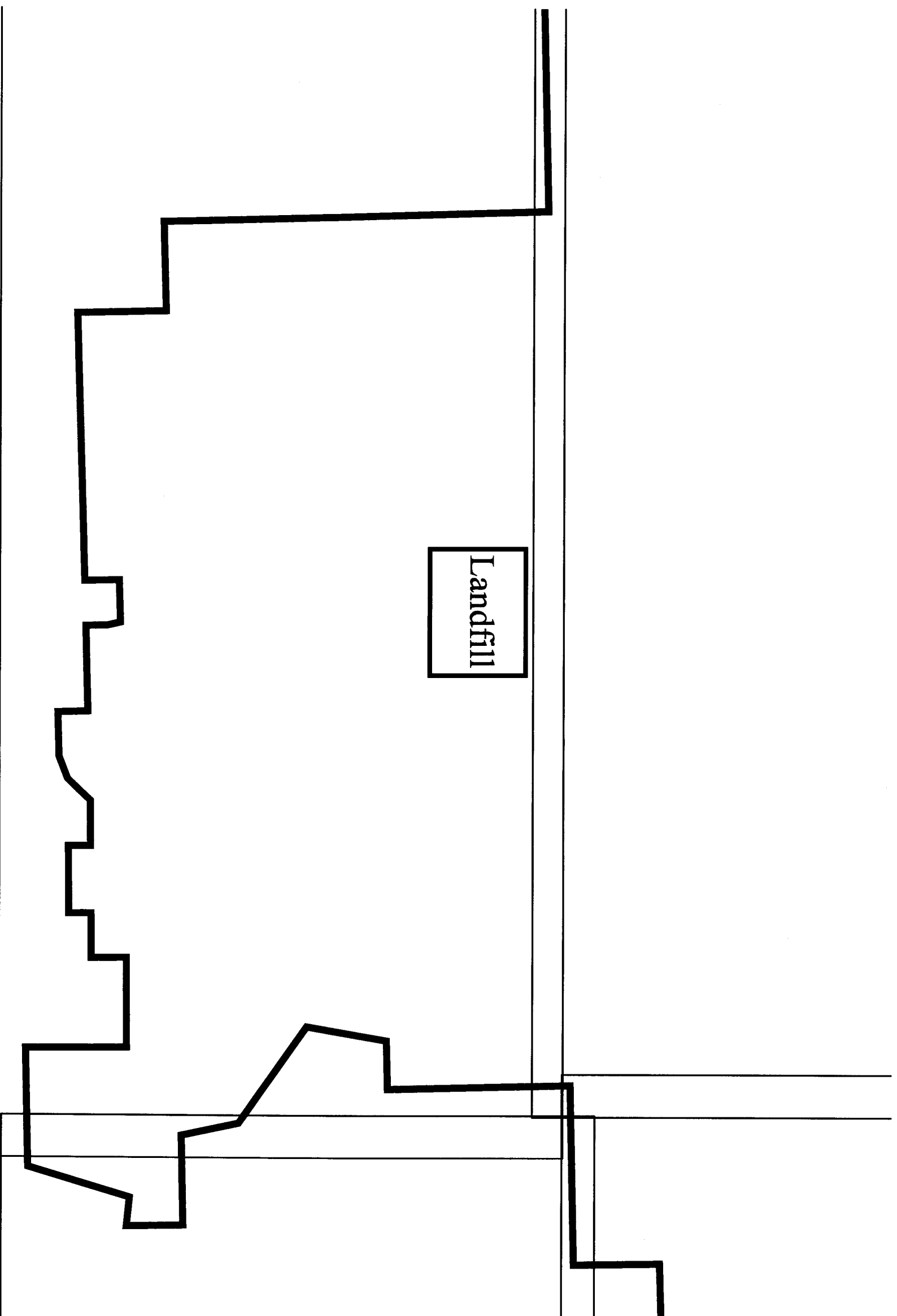
1. Haul garbage to the top/bottom of the existing Fill making Fill widths the full length across and progressing to the northwest.
2. Dump garbage over the berm of the existing fill (B-B') when on top and at the toe when dumping at the bottom
3. Once each month, the Mine Operations department will cover the exposed garbage with a 1 to 2 foot lift of dirt. When a lift is complete, the entire lift will be covered and the sequence will start over again by hauling garbage to the southeast toe of the dump.
4. When covering garbage, make sure that lifts are made going up vertically. Do not push towards the top of the dump. Lift heights should be approximately 8'-10'.



## Landfill Operating Plan

DRAWN	DATE	Non-Hazardous & Industrial Waste	
JBS	5/25/06	Class IIb Landfill	
APPROVED	DATE	Revised 5/25/06	
JBS	5/25/06		
SCALE	SHEET	PROJECT NO.	
100	1	001	





Map A Site Map  
Simplot Phosphates LLC Scale 1:2000

**UTAH SOLID AND HAZARDOUS WASTE CONTROL BOARD  
SOLID WASTE PERMIT**

**Simplot Phosphates, LLC  
CLASS IIIb LANDFILL**

Pursuant to the provisions of the *Utah Solid and Hazardous Waste Act*, Title 19, Chapter 6, Part 1, Utah Code Annotated (UCA) 1953, as amended (the Act) and the *Utah Solid Waste Permitting and Management Rules*, Utah Administrative Code (UAC) R315-301 through 320 adopted thereunder,

Simplot Phosphates LLC

is hereby approved to construct and operate the Simplot Class IIIb located in NW1/4 of Section 31, Township 2 South, Range 22 East, Salt Lake Base and Meridian, Uintah County, Utah as shown in the permit application that was determined complete on date of completeness notification.

The operation of the landfill is subject to the condition that Simplot Phosphates LLC (Permittee) meet the requirements set forth herein.

All references to UAC R315-301 through 320 are to regulations that are in effect on the date that this permit becomes effective.

Effective date: \_\_\_\_\_.

Expiration date: \_\_\_\_\_.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Dennis R. Downs, Executive Secretary  
Utah Solid and Hazardous Waste Control Board

## PERMIT REQUIREMENTS

LANDFILL NAME: Simplot Class IIIb Landfill

OWNER NAME: Simplot Phosphates LLC

OWNER ADDRESS: 9401 North Highway 191

OWNER PHONE NO.: (435) 781-3348

OPERATOR NAME: Simplot Phosphates LLC

OPERATOR ADDRESS: 9401 North Highway 191

OPERATOR PHONE NO.: (435) 781-3348

TYPE OF PERMIT: Class IIIb Noncommercial Solid Waste Landfill

PERMIT NUMBER: 9908

LOCATION: Landfill site is located in Township 2 South, Range 22 East, Section 31, SLBM, Uintah County, Lat. 40° 36' 22.3", Long. 109° 29' 53.3"

DIRECTIONS: This landfill can be accessed by driving north or Vernal on Highway 191 for 10 miles. The landfill is located within the Simplot phosphates mine and will need to be escorted to gain access to the facility.

Permit as used in this document is defined in UAC R315-301-2(55).

The application, including:

Application for a Permit to Operate a Class IIIb Landfill	Reference Document #20000213 dated January 19, 2000
Financial Assurance Calculations and Surety Bond	Emailed 8/19/2006 as Excel spreadsheet and incorporated into permit application.

These documents are deemed complete on August 19, 2006 and are hereby approved and incorporated by reference into this Solid Waste Permit and will be referred to as the permit

application throughout this permit. All representations made in the permit application are part of this permit and are enforceable under UAC 315-301-5(2). The permit application will become part of the operating record of the Landfill. Where differences in wording exist between this permit and the application, the wording of The Permit supersedes that of the application.

The facility as described in this permit and the permit application consists of a landfill that is part of a phosphate mining operation. There are no waste handling, treatment or storage facilities. Waste handling consists of utilizing on-site mining construction equipment to compact and cover mining waste.

By this permit to operate, the Permittee shall be subject to the following conditions.

## I. GENERAL COMPLIANCE RESPONSIBILITIES

### A. General Operation

The Permittee shall operate the Class IIb landfill in accordance with the conditions of this Permit and with all requirements of UAC R315-304, that are in effect as of the date of this permit unless otherwise noted in this permit. Any permit noncompliance or noncompliance with any applicable portions of UCA 19-6-101 through 123 and applicable portions of UAC R315-301 through 320 constitutes a violation of the permit or applicable statute or rule and is grounds for appropriate enforcement action, permit revocation, modification, or denial of a permit renewal application.

### B. Noncompliance

If monitoring, inspection, or testing indicates that any permit condition or any applicable rule under UAC R315-301 through 320 may be or is being violated, the Permittee shall promptly make corrections to the operation or other activities to bring the facility into compliance with all permit conditions or rules. In the event of any noncompliance with any permit condition or violation of an applicable rule, the Permittee shall promptly take any feasible action reasonably necessary to correct the noncompliance or violation and mitigate any risk to the human health or the environment. Actions may include eliminating the activity causing the noncompliance or violation and containment of any waste or contamination using barriers or access restrictions, placing of warning signs, or permanently closing areas of the facility. The Permittee shall: document the noncompliance or violation in the operating record, on the day the event occurred or the day it was discovered; notify the Executive Secretary of the Solid and Hazardous Waste Control Board within 24 hours, or the next business day following documentation of the event; and give written notice of the noncompliance or violation and

measures taken to protect public health and the environment within seven days of Executive Secretary notification. Within thirty days of the documentation of the event, the Permittee shall submit, to the Executive Secretary, a written report describing the nature and extent of the noncompliance or violation and the remedial measures taken or to be taken to protect human health and the environment and to eliminate the noncompliance or violation. Upon receipt and review of the assessment report, the Executive Secretary may order the Permittee to perform appropriate remedial measures including development of a site remediation plan for approval by the Executive Secretary.

It shall not constitute a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

Compliance with the terms of this permit does not constitute a defense to actions brought under any other local, State, or Federal laws. This permit does not exempt the Permittee from obtaining any other local, State or Federal permits or approvals.

The issuance of this Permit does not convey any property rights, other than the rights inherent in this permit, in either real or personal property, or any exclusive privileges nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations including zoning ordinances.

The provisions of this Permit are severable. If any provision of this Permit shall be held invalid for any reason, the remaining provisions shall remain in full force and effect. If the application of any provision of this Permit to any circumstance is held invalid, its application to other circumstances shall not be affected.

C. Inspection and Inspection Access

The Permittee shall allow the Executive Secretary of the Utah Solid and Hazardous Waste Control Board or an authorized representative of the Board, including representatives from the TriCounty Health Department, to enter at reasonable times and:

1. Inspect the landfill or other premises, practices or operations regulated or required under the terms and conditions of this Permit or UAC R315-301 through 320;
2. Have access to and copy any records required to be kept under the terms and conditions of the Permit or UAC R315-301 through 320;

3. Inspect any loads of waste, treatment, pollution management, or control facilities required under the Permit or regulated under UAC R315-301 through 320; and
4. Create a record of any inspection by photographic, videotape, electronic, or any other reasonable means.

D. Prohibited Waste

No hazardous waste as defined by UAC R315-1 and R315-2; no PCB's as defined by UAC R315-301-2(53), except PCB's specified by UAC R315-315-7(2)(a) and (c); no household waste; no municipal waste; special waste, except as specified in this permit; or commercial waste shall be accepted for treatment, storage, or disposal at the landfill. Any prohibited waste received and accepted for treatment, storage, or disposal at the facility will constitute a violation of this permit, of UCA 19-6-101 through 123 and of UAC R315-301 through 320.

E. Acceptable Waste

This permit is for disposal of nonhazardous industrial waste, as defined in UAC R315-301-2(35), generated by phosphate mining and milling and as described in the permit application. Office wastes, shipping wastes, and incidental nonhazardous solid wastes generated by meals are allowed in this landfill.

F. Revocation

This permit is subject to revocation if any condition of this permit is not being met. The Permittee will be notified in writing prior to any proposed revocation action and such action will be subject to all applicable hearing procedures established under UAC R315-12 and the *Utah Administrative Procedures Act*.

Revocation of this permit does not revoke the financial assurance established for closure and post-closure care of the facility, nor remove any responsibility on the part of the Permittee for completion of closure and post-closure care for the facility required in UAC R315-302-3.

Revocation of this permit will necessitate that the Executive Secretary exercise the option to require the funds or other mechanism provided for financial assurance for completion of closure and post-closure care for the facility required in UAC R315-302-3 be called.

G. Attachment Incorporation

Attachments incorporated by reference are enforceable conditions of this permit, as are documents incorporated by reference into the attachments. Language in this permit supercedes any conflicting language in the attachments or documents incorporated into the attachments.

## II. DESIGN AND CONSTRUCTION

### A. Construction

The landfill shall be constructed in the area designated and according to the design outlined in the permit application. Site control is provided by access control into the mining facility.

The Permittee shall notify the Executive Secretary upon completion of construction of any landfill cells or run-on and run-off diversion systems. No landfill cells or run-on and run-off diversion system may be used until construction is approved by the Executive Secretary.

The Permittee shall notify the Executive Secretary of the completion of construction of any final cover system and shall provide all necessary documentation and shall apply for approval of the construction from the Executive Secretary.

## III. LANDFILL OPERATION

### A. Operations Plan

The Operations Plan included in the permit application shall be kept onsite at the landfill. The landfill shall be operated in accordance with the Operations Plan as included in the permit application. If necessary, the facility owner may modify the Operations Plan, provided that the modification meets all of the requirements of UAC R315-301 through 320 and is as protective of human health and the environment as that approved in the permit application. Any modification to the Operations Plan shall be noted in the operating record.

Any modification to the Operations Plan must be submitted to the Executive Secretary for approval and is considered a minor permit modification in compliance with UAC R315-311-2(1)(a)(xiii) unless the Executive Secretary determines the change should be subject to public comment under UAC R315-311-2(1)(a)(xviii).

B. Security

The Permittee shall operate the Landfill so that unauthorized entry to the facility is prevented. All facility gates and other access routes shall be locked during the time the landfill is not open. Fencing as shown in the permit application shall be constructed to prevent access of persons or livestock by other routes.

C. Waste Inspections

The Permittee shall visually inspect incoming waste loads to verify that no wastes other than those allowed by this permit are disposed in the landfill. A complete waste inspection shall be conducted at a minimum frequency of 1 % of loads received.

All containers capable of holding more than five gallons of liquid will be inspected to assure that the container is empty.

All loads that the operator suspects may contain a waste not allowed for disposal at the landfill will be inspected.

D. Cover

The Permittee shall cover the waste as necessary to prevent fires and to control vectors, blowing litter, odor, scavenging, and fugitive dust. Wastes that are capable of attracting or providing food for vectors, materials that may become windblown litter, or fine materials that may become fugitive dust shall be covered with a minimum of six inches of earth at the end of the working day in which they are received. A minimum of six inches of earthen cover shall be provided no less than once each month for all other wastes received at the landfill.

E. Disposal of Liquids

Disposal of containers larger than household size (five gallons) holding any liquid, noncontainerized material containing free liquids or any waste containing free liquids in containers larger than five gallons is prohibited.

F. Roads

All roads used for transporting waste to the landfill for disposal shall be improved and maintained as necessary to assure safe and reliable all-weather access to the disposal area.



G. Burning of Waste

Intentional burning of solid waste is prohibited and is a violation of UAC R315-303-5(2)(b). All accidental fires shall be extinguished as soon as possible.

H. Record Keeping

The Permittee shall maintain and keep on file at the office of the environmental representative within the Simplot facility located at 9401 North Highway 191, Vernal, Utah, an operating record as required by UAC R315-302-2(3). The landfill operator, or other designated personnel, shall date and sign the operating record at the end of each operating day. Each record to be kept shall contain the signature of the appropriate operator or personnel and the date signed. The operating record shall include the following items:

1. The daily operating record shall include the following items:
  - a. The number of loads of waste and the weights or estimates of weights or volume of waste received each day of operation and recorded at the end of each operating day;
  - b. Major deviations from the approved plan of operation recorded at the end of the operating day the deviation occurred;
  - c. Results of other monitoring required by this permit recorded in the operating record on the day of the event or the day the information is received;
  - d. Records of all inspections conducted by the Permittee/s, results of the inspections, and corrective actions taken shall be recorded in the record on the day of the event;
2. The general record of landfill operations shall include the following items:
  - a. A copy of The Permit including the permit application;
  - b. Results of inspections conducted by representatives of the Utah Solid and Hazardous Waste Control Board and/or representatives of the TriCounty Health Department, when forwarded to the Permittee;
  - c. Closure and Post-closure care plans;

- d. Records of employee training.

- I. Reporting

The Permittee shall prepare and submit, to the Executive Secretary, an Annual Report as required in UAC R315-302-2(4). The Annual Report shall include: the period covered by the report, the annual quantity of waste received, an annual update of the financial assurance mechanism, and all training programs completed.

- J. Self Inspections

The Permittee shall inspect the facility to prevent malfunctions and deterioration, operator errors, and discharges that may cause or lead to the release of wastes or contaminated materials to the environment or create a threat to human health. These general inspections shall be completed no less than quarterly and shall cover the following areas: Waste placement, and cover; fences and access controls; roads; run-on/run-off controls; final and intermediate cover; litter controls; and records. A record of the inspections shall be placed in the daily operating record on the day of the inspection. Areas needing correction, as noted on the inspection report, shall be corrected and the actions taken placed in the daily operating record.

#### IV. CLOSURE REQUIREMENTS

- A. Closure

The Permittee shall close and maintain the facility in accordance with the closure and post-closure plans included in the permit application and as required by R315-305-5(5) UAC.

- B. Title Recording

The Permittee shall also meet the requirements of UAC R315-302-2(6) by recording with the Uintah County Recorder as part of the record of title that the property has been used as a landfill.

- C. Post-Closure Care

Post-closure care at the closed landfill shall be done in accordance with the Post-Closure Care Plan contained in the permit application. Post-closure care shall continue until all waste disposal sites at the landfill have stabilized and the finding

of UAC R315-302-3(7)(c) is made.

D. Financial Assurance

The Permittee shall keep in effect and active the currently approved financial assurance mechanism or another mechanism that meets the requirements of UAC R315-309 to cover the costs of closure and post-closure care at the landfill. The financial assurance fund shall be adequately funded to provide for the cost of closure at any stage or phase or anytime during the life of the landfill or the permit life, whichever is shorter.

E. Financial Assurance Annual Update

An annual revision of closure costs and financial assurance funding as, required by R315-309-2(2), shall be submitted to the Executive Secretary as part of the annual report.

V. ADMINISTRATIVE REQUIREMENTS

A. Transfers

This permit may be transferred to a new permittee or new permittees by meeting the requirements of the Permit Transfer provision in UAC R315-310-10.

B. Permit Modifications

Modifications to this permit may be made upon application by the Permittee or by the Executive Secretary. The Permittee will be given written notice of any permit modification initiated by the Executive Secretary.

C. Expiration

Application for permit renewal shall be made at least six months prior to the expiration date, as shown on the signature (cover) page of this permit. If a timely renewal application is made and the permit renewal is not complete by the expiration date, this permit will continue in force until renewal is completed or denied.

D. Expansion

This permit is for the operation of a Class IIIb Landfill according to the design and Operation Plan described and explained in the permit application. Any expansion of the current footprint designated in the description contained in the permit application, but within the property boundaries designated in the permit application, will require submittal of plans and specifications to the Executive Secretary. The plans and specifications must be approved by the Executive Secretary prior to construction.

Any expansion of the landfill facility beyond the property boundaries designated in the description contained in the permit application will require submittal of a new permit application in accordance with the requirements of UAC R315-310.

Any addition to the list of acceptable waste in Section IE will require submittal of all necessary information to the Executive Secretary and the approval of the Executive Secretary.

E. Status Notification

Eighteen months from the date of this permit the Executive Secretary shall be notified in writing of the status of the construction of this facility unless construction is complete and operation has commenced. If construction has not begun within 18 months the Permittee will submit adequate justification to the Executive Secretary as to the reasons that construction has not commenced. If no submission is made or the submission is judged inadequate by the Executive Secretary, this permit will be revoked

File: 060725 Simplot Class IIIb Draft Permit.doc

Task Description	Equipment	Units	Units	Factor <sup>1</sup>	Hours	2004 RSMMeans					Average	2006		Notes	
						Base	Travel	Base	Crew	Inflation		\$	\$/hr		Total \$
Mobilization	Dozer D8R	Equip				292.0	1,022.00			0.025	1,073.10	\$1,073	Dozer D8R		
Mobilization	Dozer D4 or Tractor	Equip				204.0	714.00			0.025	749.70	\$750	Dozer D4 or Tractor		
Mobilization	Scraper 637E	Equip				350.0	1,225.00			0.025	1,286.25	\$1,286	Scraper 637E		
Project Manager					30.0			60.00		0.025		63.00	\$1,890		
Contouring	D8R	C.Y.	18,150	0.011	199.7			148.04	B-10M	0.025		155.44	\$31,034	120 ft push, 1.5 ft depth	
Topsoil spreading	637E	C.Y.	6,050	0.012	72.6			249.86	B-33E	0.025		262.35	\$19,047	1,500 ft haul, 0.5 ft depth	
Seeding	Dozer D4 or Tractor	MSF	327	0.154	50.3			71.56	B-66	0.025		75.14	\$3,780	Dozer D4 or Tractor	
Seed Mix		Acres	7.5							0.025	1,528.13	\$1,528			
De-Mobilization	Dozer D8R	Equip				292.0	1,022.00			0.025	1,073.10	\$1,073	Dozer D8R		
De-Mobilization	Dozer D4 or Tractor	Equip				204.0	714.00			0.025	749.70	\$750	Dozer D4 or Tractor		
De-Mobilization	Scraper 637E	Equip				350.0	1,225.00			0.025	1,286.25	\$1,286	Scraper 637E		
DSHW Inspections		Per Yr	2			250.0					15,000.00	\$15,000	30-yr post closure period		
Maintenance post closure		each	3			2,000.0					6,000.00	\$6,000	3 times during post closure		
Contingency (Administrative & Engineering)		%	10									\$8,450			

DEAR CALCULATIONS

\$/Acre 12,392.95

# Assumptions / Factors & Notes

1 - RSMMeans 2004

Total Final Landfill Acres

7.5

## Mobilization

- Assume Equipment and Contractor will come out of Provo/Orem, Rock Springs, or SLC Areas. Based on 25 miles, add 10% for every additional 5 miles.

Base Rate includes the equipment Operator, Laborer, Equipment owning & operating costs. This is the total hourly cost including the contractor's overhead and profit.

Annual Inflation = Average Annual Inflation

Cat D8R = 310 HP and the average push to cover and contour the landfill is estimated at 120 ft - Moving Common Earth fill = \$3.81/c.y.

Cat 637E Scraper > 21 yds, Common Earth 3,000 ft haul = \$3.40 / cy

MSF = Thousand Square Feet

Current Cost for the final reclamation seed mix is \$7.33 / pls (pound of live seed). In the past is has been as high as \$9.00/pls. For Estimation we will use \$8.15/pls

Our current Final Reclamation Seed mix is applied at a rate of 25.0 lbs/acre.

# LANDFILL - VERIFY TASKS

- Ultimate closure of this Class IIIb landfill must satisfy Div. of Solid & Hazardous Waste.
- Final closure requires a 2-foot cover of borrow material graded to match the surrounding topography.

	7.5 acres	days; acres	\$/HR; \$/aci	\$
project manager		3.8	68.75	2,063
contouring D9N, 100 ft	2 acre/day	3.8	331.30	9,939
topsoil spreading 637E	1.9 acre/day	3.9	481.28	15,198
seeding & fertilizing - [	29.4 acre/day	0.3	134.40	274
seed mix - drill seed	acre>	8	113.69	853
fertilizer	acre>	8	38.00	285
Total				28611.78
		\$3,815	per acre	

DOAM's calculations  
~~with~~ before adding  
contingency/escalation.